

Attorney Docket No.: 13257-00040 (UMD-0096)  
Inventors: Dougherty et al.  
Serial No.: 09/830,176  
Filing Date: April 23, 2001  
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#### REMARKS

Claims 1-3, 7 and 8 are pending in this application. Claims 7 and 8 have been allowed. Claims 1-3 have been rejected. Claims 1-3 have been canceled. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of these amendments and the following remarks.

#### **I. Withdrawn Rejection**

Applicants acknowledge the withdrawal of the rejection under 35 U.S.C. 112, first paragraph.

#### **II. Claim rejections under 35 USC §102**

Claims 1-3 remain rejected under 35 U.S.C. 102(b) as being anticipated by Freas-Lutz et al. ((1994) *Exp. Hematol.* 22:857-65).

Claims 1 and 2 also remain rejected under 35 U.S.C. 102(b) as being anticipated by Migita et al. ((1995) *Proc. Natl. Acad. Sci. USA* 92:12075-12079).

Applicants respectfully disagree with these rejections because the cited prior art references simply do not teach or suggest myeloid-committed stem cells which have been stimulated with lipopolysaccharide. However, in an earnest effort to facilitate the issuance of allowed claims 7 and 8, Applicant is canceling claims 1-3, reserving the right to file continuing applications for the canceled subject matter. Withdrawal of the rejections of claims 1-3 under 35 U.S.C. 102(b) is therefore respectfully requested.

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### III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, issuance of the pending claims is earnestly solicited.

Respectfully submitted,



Jane Massey Licata  
Registration No. 32,257

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Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515